

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

vs.

No. 1:24-cv-01091-SMD-KRS

MICHELLE LUJAN GRISHAM,
individually and in her capacity as Governor
of the State of New Mexico; ALISHA
TAFOYA LUCERO, individually and in
her capacity as Cabinet Secretary of the
New Mexico Corrections Department;
MELANIE MARTINEZ, individually and
in her capacity as Deputy Secretary of the
New Mexico Corrections Department;
GARY MACIEL, individually and in his
capacity as Deputy Secretary of the
New Mexico Corrections Department;
BRIAN R. EVANS, individually and in
his capacity as Chief Executive Officer of
The GEO Group, Inc.; WAYNE H. CALABRESE,
individually and in his capacity as President and
Chief Operating Officer of The GEO Group, Inc.;
THE GEO GROUP, INC. d/b/a LEA COUNTY
CORRECTIONAL FACILITY, a corporation;
JOHN AND JANE DOES 1-20, individually and
in their official capacities; and ENTITIES 1-10,

Defendants.

**OPPOSED MOTION FOR STAY OF DISCOVERY PENDING A RULING ON THE
MOTION TO DISMISS DEFENDANT GRISHAM**

COMES NOW Defendant Grisham, by and through her counsel of record, CARRILLO
LAW FIRM, P.C. (Raul A. Carrillo, Jr.), and hereby requests the Court grant a stay of discovery
until the court has ruled on the pending motion to dismiss Defendant Gov. Michele Lujan
Grisham. In support of this motion Defendant Grisham states as follows:

1. The Plaintiff filed this matter on October 25, 2024. *See, Complaint [Doc. 1]*

2. Defendant Grisham was served on October 29, 2024. *See, Summons Return [Doc. 7]*
3. This court granted Defendant Grisham extensions to file her Response to the Complaint, and on December 20, 2024, Defendant Grisham filed her Motion to Dismiss. *See, [Doc. 14, 25, and 28]*.
4. On January 28, 2025, Plaintiff filed their Response in Opposition to the Motion to Dismiss. *See, Response [Doc. 34]*
5. Defendant Grisham filed her Reply in Support of the Motion to Dismiss on April 18, 2025. *See, Reply [Doc. 59]*
6. Defendant Grisham filed her Notice of Completion of Briefing on April 21, 2025. *See, Notice of Completion [Doc. 60]*.
7. The Court has not yet set a hearing date for Defendant Grisham's Motion to Dismiss.
8. On May 22, 2025 Plaintiff served its First Set of Requests for Production on Defendants Grisham, Lucero, Martinez, and Maciel. *See, Certificate of Service [Doc. 61]*.
9. In accordance with D.N.M. LR-Civ. 7.1(a) the Plaintiff's counsel was contacted regarding the relief requested in this motion and opposes the relief requested herein.

The Court has broad discretionary authority to grant the requested stay of discovery until the disposition of the outstanding motion to dismiss. Doing so would prevent the needless expenditure of public money and time required to respond to discovery requests in a matter in which Defendant Grisham should be dismissed. "Whether to issue a stay of discovery depends greatly on the facts and progress of each case." *See, Martin v. City of Albuquerque*, 219 F. Supp. 3d 1081, 1090 (D.N.M. 2015). "In rendering a decision to stay proceedings, a court must 'exercise [] judgment' and 'weigh competing interests.'" *Roybal v. United States*, 2014 WL 12617288, at *1 (D.N.M. April 9, 2014) (unpublished) (Wormuth, J.) (*citing Landis v. North*

America Co., 299 U.S. 248, 254-55 (1936)).” *See, Mestas v. CHW Group Inc.*, No. CV 19-792 MV/CG, 2019 WL 5549913, at *1 (D.N.M. Oct. 28, 2019)

This court set out five (5) factors for the court to consider when weighing competing interests to grant a motion to stay discovery:

In weighing competing interests, the court may consider factors such as: “(1) [the] plaintiff’s interests in proceeding expeditiously with the civil action and the potential prejudice to plaintiff of a delay; (2) the burden on the defendants; (3) the convenience to the court; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.” *Todd v. Montoya*, 2011 WL 13286329, at *6 (D.N.M. Jan. 18, 2011) (unpublished) (Browning, J.). Ultimately, the decision to issue a stay of discovery is within the broad discretion of the district court. *Martin*, 219 F. Supp. 3d at 1089.”

See, Mestas v. CHW Group Inc., No. CV 19-792 MV/CG, 2019 WL 5549913, at *1 (D.N.M. Oct. 28, 2019).

Discovery here should be stayed until Defendant Grisham’s Motion to Dismiss [Doc. 28] has been ruled upon. Briefing on the motion has been completed so the potential delay would only be until the hearing is held and a determination is issued, so the delay is minimal. The burden on Defendant to attempt to respond to the twenty-four (24) propounded Requests for Production, which include huge requests for documentation, is not justified in the face of the undecided motion to dismiss. Defendant Grisham’s argument for dismissal from this matter is supported by law and has merit. Any attempts to find documents at this stage would incur a prejudicial and unnecessary expense not only for the Defendant but for the public purse. Thus granting the requested stay would also advance the public interest by preventing unnecessary and

wasteful spending of public money.

WHEREFORE, Defendant Grisham respectfully requests that the Court stay discovery in this matter until it has ruled on the Defendant's Motion to Dismiss [Doc. 28] and that the Defendants responses to the Plaintiff's propounded discovery requests are not due until at least two (2) weeks after its ruling on the motion, and grant any other relief it deems just and reasonable.

Respectfully submitted,

CARRILLO LAW FIRM, P.C.

/s/ Raul A. Carrillo, Jr.

Raul A. Carrillo, Jr.

1001 E. Lohman

Las Cruces, NM 88001

(575) 647-3200

(575) 647-1463 (fax)

raul@carrillolaw.org

*Attorney for Defendants Grisham,
Lucero, Martinez, and Maciel*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 20th of June, 2025, a copy of the foregoing document was sent via the federal CM/ECF filing system to the following:

ROSEN BIEN GALVAN & GRUNFELD, LLP

Ernest Galvan, Cal Bar No. 196065
Marc. J. Shinn-Krantz, Cal. Bar No. 312968
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
(415) 433-6830
(415) 433-7104 (fax)

HUMAN RIGHTS DEFENSE CENTER

Jonathan P. Picard, Fla. Bar No. 105477
P.O. Box 1151
Lake Worth, Florida 33460
(561) 360-2523
(561) 828-8166 (fax)

IVES & FLORES, P.A.

Laura Schauer Ives, SB#12463
Adam C. Flores, SB #146686
925 Luna Circle NW
Albuquerque, NM 87102
(505) 364-3858
(505) 364-3050 (fax)

/s/ Raúl A. Carrillo, Jr.
Raúl A. Carrillo, Jr.